

ORDINANCE NO. 11-03

ORDINANCE GRANTING A
CONDITIONAL USE PERMIT (CUP) TO
ALLOW A HANDCRAFT JEWELRY
SCHOOL PURSUANT TO HIALEAH
CODE §98-181(2)i., ON PROPERTY
ZONED C-2 (LIBERAL RETAIL
COMMERCIAL DISTRICT). **PROPERTY
LOCATED AT 3-45 EAST 44 STREET,
HIALEAH, FLORIDA.** REPEALING
ALL ORDINANCES OR PARTS OF
ORDINANCES IN CONFLICT
HEREWITH; PROVIDING PENALTIES
FOR VIOLATION HEREOF; PROVIDING
FOR A SEVERABILITY CLAUSE; AND
PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 12, 2011,
recommended approval of this ordinance in substantial form; and

WHEREAS, the Petitioner proffered a declaration of restrictive covenants
limiting the number of students to a maximum of six per class, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY
COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to
this ordinance are hereby adopted and incorporated by reference as if fully set forth
herein.

Section 2: The below-described property is hereby granted a conditional use
permit (CUP) to allow a handcraft jewelry school pursuant to Hialeah Code §98-181(2)i.,
on property zoned C-2 (Liberal Retail Commercial District). The property is located at 3-
45 East 44 Street, Suite 33-35, Hialeah, Miami-Dade County, Florida and legally
described as follows:

THE SOUTH ½ OF THE WEST ½ OF TRACT 18, LESS
THE EAST 315 FEET, OF FLORIDA RANCH AND
DAIRY SUBDIVISION, IN SECTION 6, TOWNSHIP 53

SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, AT PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SUBJECT TO CONVEYANCE OF THE SOUTH 30 FEET AND WEST 2 FEET THEREOF, TO THE CITY OF HIALEAH FOR PUBLIC HIGHWAY PURPOSES.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

Section 6: Severability Clause.

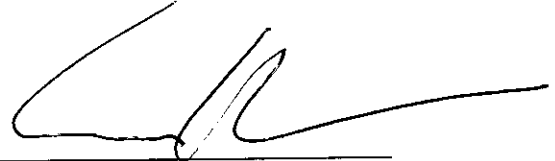
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8th day of February, 2011.



Carlos Hernandez
Council President

Attest:

Approved on this 11 day of February, 2011.



David Concepcion, Acting City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney